THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21032 OF 2005

Date:27.09.2005

Between:

T. Mogilaiah, S/o Vitalaiah, aged about 42 years, occu: Telecom Mechanic, Employee No.8250, under SDE (Groups), Karimnagar. and others.

... Petitioners

AND

The General Manager, Telecom District, BSNL, Karimnagar. and others.

... Respondents

ORDER:

The petitioners are working as Telecom Mechanics in the B.S.N.L for the last several years. In the matter of extension of benefit of the pay scale of Rs.4000-6000 on par with Group-C employees, O.A.No.1966 of 1999 was filed by the persons similarly situated as petitioners. The O.A. was allowed on 09.08.2000 by the Central Administrative Tribunal, Hyderabad, holding that selective extension of benefit of that pay scale is arbitrary and that all the persons similarly situated must be extended the benefit of the same. The respondents, in turn, filed W.P.No.14744 of 2001 before this Court challenging the order of the Tribunal in O.A.No.1966 of 1999. Through the order, dated 16.10.2003, a Division bench of this Court dismissed the W.P. and upheld the order passed by the Tribunal. The petitioners submit that they are similarly situated as the respondents in W.P.No.14744 of 2001 and seek extension of benefit of the order of the Tribunal as upheld by this Court.

Heard the learned counsel for the petitioners and Smt.
N. Indrani, learned Standing Counsel for the respondents.

It is not in dispute that the petitioners earlier worked in Group- D posts and that through a process of selection, they came to be appointed as Telecom Mechanics. The Tribunal held that once they are appointed as Telecom Mechanics, they are entitled to be extended the benefit of pay scale of Rs.4000-6000 and the said order became final. Further, in W.P.No.24509 of 2005 and batch, a learned Single Judge of this Court allowed the similar claims, as those of the petitioners herein, through order, dated 14.06.2005. Though the notional benefit was extended from the date of entitlement, the monetary benefit was granted with effect from 01.01.2005. It is not in dispute that the petitioners stand on the same footing.

In that view of the matter, the writ petition is allowed, directing that the petitioners shall be extended the notional benefit of the pay scale of Rs.4000-6000 on par with the Group-C employees with effect from the date of their entitlement, but the monetary benefit shall be extended only with effect from 01.01.2005. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:27.09.2005

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